

March 26, 2014

via electronic filing

Marlene H. Dortch
Secretary, Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation
Technology Transition Policy Task Force, GN Docket No. 13-5
Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile
Broadband Networks, IB Docket No. 13-213, RM-11685**

Dear Ms. Dortch,

On Monday, March 24, 2014, Tyler Cox, Stephanie Minnock, and Blake Reid of the Colorado Law Samuelson-Glushko Technology Law & Policy Clinic (“TLPC”) met separately with Commissioner Ajit Pai, Nicholas Degani of Commissioner Pai’s office, Gigi Sohn of Chairman Wheeler’s office, General Counsel Jon Sallet, and Linda Oliver and Stephanie Weiner of the Office of General Counsel to discuss the above-referenced matters. The TLPC also met with Jeff Goldthorp, Michael Connelly, and Eric Schmidt of the Public Safety and Homeland Security Bureau to discuss GN Docket No. 13-5.

We discussed Globalstar’s proposal to build a Terrestrial Low Power Service at 2.4 GHz using both unlicensed and licensed spectrum. We highlighted the potential tensions involved in the proceeding, including:

- The benefits of creating a successful precedent for bringing terrestrial portions of bands licensed for Mobile Satellite Services to market;
- The concerns of Bluetooth providers about potential interference in the 2473–2583.5 MHz band and WiFi providers about potential interference to Channel 11;
- Concerns of equity in Out of Band Emission limits for unlicensed users operating in the 2473-2483.5 MHz band;
- The development of a framework through which the FCC can evaluate this proceeding by balancing various efficiencies, transaction costs, the public interest, and the value of expedient action in spectrum reallocation proceedings.

We also discussed the *IP Transition Order* and focused on some of the potential implications of the transition on individuals with disabilities. In particular, we discussed:

- The unique importance of the issue of accessibility for individuals with disabilities in the IP transition;
- The explicit statutory protections for accessibility in communications networks including the Telecommunications Act of 1996 and the Twenty-First Century Communications and Video Accessibility Act of 2010;
- The importance of ensuring that the trials meaningfully evaluate the implications of the transition on these accessibility requirements;
- The opportunity to expand on current levels of accessibility in an IP network and the importance of ensuring that the trials take a forward-looking approach.

Mr. Cox also submitted to Mr. Schmidt a copy of the attached abstract.

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Please don't hesitate to contact me if you have any questions regarding this filing.

Respectfully submitted,

/s/

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Cc:

Meeting attendees

Accessibility and the TDM to IP Transition

Over the past decade, the majority of telecommunications services have transitioned from transmission using Time-Division Multiplexing (“TDM”) protocols to distribution using Internet Protocol (“IP”). Despite this shift, the Telecommunications Act requires providers, to maintain increasingly out-dated TDM systems. Under §214, providers must receive FCC approval before discontinuing their TDM networks.

In January 2014, the FCC issued an Order approving the use of trials to evaluate the implications of a system-wide transition and outlining conditions of these trials. The Order requires that the trial proposals address and evaluate the transitions implications on four network values: public safety and national security, universal service, competition, and consumer protection. The universal service mandate is especially important to individuals with disabilities because it ensures that their ability to access these vital communications systems is protected and expanded during this transition.

The FCC has not only been entrusted with ensuring these four key network values are maintained; it has statutory obligations to protect accessibility in communications. Both the Telecommunications Act of 1996 and the Twenty First Century Video Accessibility Act give the FCC affirmative authority to implement accessibility regulations for communications services and equipment regardless of the underlying protocol.

Iowa Network Services (“INS”), a centralized equal access (“CEA”) provider in rural Iowa, submitted a trial proposal. The INS proposal outlines the structure of INS’ proposed trial, but does not explore how the trial is structured to meaningfully evaluate its impact on these foundational values. Specifically, the proposal does not explore in meaningfully depth how it will test the impact of the transition on accessibility.

Before approving any proposal, the FCC should require an in-depth discussion of the proposal’s experimental structural. This disclosure requirement will have two effects. First, it will allow the FCC to evaluate the structure of the proposal to ensure that it meaningfully tests the implications of the transition on the accessibility and other values. By evaluating the trials structure, the FCC can confidently rely on the trial’s findings to develop a template for the nationwide transition. Second, a detailed disclosure will allow third parties to constructively contribute to the structure of a trial proposal. The FCC initiated the trials to facilitate an “open, frank, and informed dialogue.” Requiring providers to open their trial structure to FCC and third party review before approving the plan will facilitate this type of conversation.

Finally, the FCC should require the trials to evaluate the implications of the transition in two ways. One, the FCC should require providers to evaluate the extent that the trials maintain current levels of accessibility. Two, the FCC should require the trials to evaluate the extent that the trials expand on the abilities of individuals with disabilities to access the networks This requirement is particularly important, because this transition is a once in a century opportunity to implement accessibility at the design stages of a system-wide transition. The FCC should not allow this opportunity to pass without meaningfully evaluating the implications of the transition on expanding access.

For additional information, contact

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